

ERIC L. WESENBERG (STATE BAR NO. 139696)
ewesenberg@orrick.com
ULYSSES S. HUI (STATE BAR NO. 225521)
uhui@orrick.com
HAO (HELEN) LI (STATE BAR NO. 247420)
hli@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

M. PATRICIA THAYER (STATE BAR NO. 90818)
pthayer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: 415-773-5700
Facsimile: 415-773-5759

STEPHEN P. MCGRATH (STATE BAR NO. 202696)
stevemcg@microsoft.com
MICROSOFT CORPORATION
One Microsoft Way
Redmond, WA 98052-6399
Telephone: 425-882-8080

Attorneys for Defendant
MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BACKWEB TECHNOLOGIES, LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION;
IANYWHERE SOLUTIONS, INC.;
SYBASE, INC.; AND SYMANTEC
CORPORATION,

Defendants.

Case No. CV 09-1224-CW

**STIPULATION AND ORDER
PERMITTING MICROSOFT TO
FILE ITS AMENDED ANSWER AND
COUNTERCLAIMS TO BACKWEB
TECHNOLOGIES, LTD.'S SECOND
AMENDED COMPLAINT AND
GRANTING MICROSOFT
ADDITIONAL TIME TO SERVE
DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS**

WHEREAS, Plaintiff BackWeb Technologies, Ltd. ("BackWeb") filed a Second Amended Complaint alleging infringement against Microsoft Corp. ("Microsoft") on July 22, 2009;

WHEREAS, Defendant Microsoft filed an Answer And Counterclaims to Plaintiff's Second Amended Complaint on August 10, 2009;

WHEREAS, Defendant Microsoft wishes to file an additional counterclaim against BackWeb;

IT IS HEREBY STIPULATED by and between BackWeb and Microsoft (the "Parties") through their designated counsel as follows:

1. the Parties agree that Defendant Microsoft shall have leave to file an Amended Answer and Counterclaims To BackWeb Technologies, Ltd.'s Second Amended Complaint no later than September 15, 2009;

2. the Parties agree that Defendant Microsoft shall have until October 9, 2009 to serve its Disclosure of Asserted Claims and Infringement Contentions (the "Disclosure") required by Patent Local Rule 3-1 and to produce the documents accompanying the Disclosure required by Patent Local Rule 3-2; and

3. the Parties agree that Plaintiff BackWeb shall have until November 20, 2009 to serve its Invalidity Contentions required by Patent Local Rule 3-3 and to produce the documents accompanying the Invalidity Contentions required by Patent Local Rule 3-4.

IT IS SO STIPULATED.

Dated: September 14, 2009

/ s / Eric L. Wesenberg / s /

ERIC L. WESENBERG (SBN 139696)

ewesenberg@orrick.com

ULYSSES S. HUI (SBN 225521)

uhui@orrick.com

HAO (HELEN) LI (SBN 247420)

hli@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, CA 94025

Telephone: 650-614-7400

Facsimile: 650-614-7401

1 M. PATRICIA THAYER (SBN 90818)
pthayer@orrick.com
2 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
3 405 Howard Street
San Francisco, CA 94105-2669
4 Telephone: 415-773-5700
Facsimile: 415-773-5759

5
6 STEPHEN P. MCGRATH (SBN 202696)
stevemcg@microsoft.com
MICROSOFT CORPORATION
7 One Microsoft Way
Redmond, WA 98052-6399
8 Telephone: 425-882-8080
Facsimile: 425-936-7329

9
10 Attorneys for Defendant
MICROSOFT CORPORATION

11
12 /s/ Bruce Wecker /s/
SPENCER HOSIE (SBN 101777)
shosie@hosielaw.com
13 BRUCE WECKER (SBN 078530)
bwecker@hosielaw.com
14 GEORGE F. BISHOP (SBN 89205)
gbishop@hosielaw.com
15 HOSIE RICE LLP
188 The Embarcadero, Suite 750
16 San Francisco, CA 94105
Telephone: 415-247-6000
17 Facsimile: 415-247-6001

18 Attorneys for Plaintiff
19 BACKWEB TECHNOLOGIES, LTD

20
21 **CERTIFICATION PURSUANT TO GENERAL ORDER 45**

22 Pursuant to General Order 45X.B, I, Eric L. Wesenberg, attests that the above signatories
23 for the BackWeb Technologies, Ltd. have concurred and consented to the filing of this document.

24 DATED: September 14, 2009

25 /s/ Eric L. Wesenberg /s/
Eric L. Wesenberg

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 16, 2009

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', written over a horizontal line.

Honorable Claudia Wilken
U.S. DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28